

**4372. Misbranding of "5 Drops." U. S. v. Swanson Rheumatic Cure Co., a corporation. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 6015. I. S. No. 7964-e.)**

On November 4, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Swanson Rheumatic Cure Co., a corporation, doing business at Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 1, 1913, from the State of Illinois into the State of Ohio, of a quantity of "5 Drops," which was misbranded. The article was labeled: (On bottle) "Trade Mark 5 Drops 300 Doses \$1.00 Absolutely Pure Take 3 to 5 Drops Twice a Day Prepared only by Swanson Rheumatic Cure Co., Chicago, Ill., U. S. A. No. 3038 Guaranteed by Swanson Rheumatic Cure Co., under the Food & Drugs Act, June 30, '06. General Directions—Take but two doses each day, five drops on a little sugar night and morning. Where the patient is very weak, commence with three drops and work up to five. In addition always use externally morning and evening rubbing sparingly along the full length of the spine, from the neck downward and across small of back. Apply, also, freely to any painful parts, such as joints, ankles, etc. When possible, bathe the painful parts with hot water, and after drying apply the remedy, then cover with warm flannels. For special directions for each disease see circular, page 8." (Blown in bottle) "Five Drops Chicago, U. S. A." (On carton) "Trade Mark 5 drops 300 Doses \$1.00 Guaranteed Absolutely Pure Prepared only by Swanson Rheumatic Cure Co., Chicago, Ill., U. S. A. No. 3038. Guaranteed by Swanson Rheumatic Cure Co. under the Food and Drugs Act, June 30, 1906. 'Five Drops' should be taken twice a day, in doses, from five to ten drops at a time on a little sugar morning and at bed time. 5 Drops 300 Doses \$1.00 An Internal and External Remedy for Rheumatism, Sciatica, Lumbago, Neuralgia, Nervousness, Sleeplessness, Headache, Dyspepsia, Backache, Asthma, Hay Fever, Heart Weakness, Toothache, Earache, Croup, Swelling, LaGrippe, Disorders of the Liver and Kidneys, etc., etc. N. B.—Beware of Imitations. Always keep well corked and in a cool dark room. Prepared only by Swanson Rheumatic Cure Co., Chicago, Ill., U. S. A. Sold only by Agents." The booklet accompanying the article contained, among other things, the following: "An Internal and External Remedy for Rheumatism in its many forms, Lumbago, Sciatica, Neuralgia, Kidney Troubles, Nervousness, Sleeplessness, Nervous and Neuralgic Headaches, Nervous Dyspepsia, also for Asthma, Hay Fever, Catarrh, Croup and Bronchitis, Heart Weakness, Toothache, Earache, Backache, LaGrippe, Malaria, Creeping Numbness and Kindred Diseases," "Take the Preventive at once! Five Drops. Do you realize that disease germs are everywhere?—in the air you breathe—in the food you eat—in the water you drink! How can you escape them? In only two ways! By keeping yourself in perfect health, when nature unassisted can throw off the deadly poison, or by fortifying an enfeebled and weakened system with a searching germ destroyer. No disease germ can live in the blood or system in the presence of Five Drops," "Blood Diseases, Eczema, Scrofula. Five Drops effects its wonderful cures by acting through the blood," "It speaks for itself. It conquers Dyspepsia, Indigestion, Heartburn, Sour Stomach, Acid Eructations, Water-brash, Gastric Ulcer, Fermentation and all similar troubles; Engorgement of the Liver and Kidneys, Biliousness and Jaundice. It keeps the liver cells properly at work and prevents the formation of gall stones."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a mixture of eucalyptol (or a eucalyptol

containing oil), camphor, safrol, terpineol, and eugenol (or an oil containing those ingredients, such as camphor oil).

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, "An Internal and External Remedy for Rheumatism, Sciatica, \* \* \* Asthma, Hay Fever, \* \* \* Croup, \* \* \* La Grippe \* \* \*," and included in the booklet aforesaid, to wit, "An Internal and External Remedy for \* \* \* Catarrh \* \* \* Malaria," "Take the Preventive at once! Five Drops \* \* \* No disease germ can live in the blood or system in the presence of Five Drops," "Blood Diseases, Eczema, Scrofula Five Drops effects its wonderful cures by acting through the blood," "It conquers \* \* \* Gastric Ulcer \* \* \* It keeps the liver cells properly at work and prevents the formation of gall stones," were false and fraudulent in that the same were applied to the article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was composed, in whole or in part, of ingredients or medicinal agents, effective, among other things, as a remedy for rheumatism, sciatica, asthma, hay fever, croup, la grippe, catarrh, and malaria; as a preventive of germ diseases, for the cure of blood diseases, eczema, scrofula, and gastric ulcer, and for preventing the formation of gall stones, when, in truth and in fact, it was not so composed, and did not contain such ingredients or medicinal agents.

On March 1, 1916, the defendant company entered a plea of guilty to the information and, on March 4, 1916, the court imposed a fine of \$200 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*